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Attorneys for Plaintiffs

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

CARLOS VICTORINO and ADAM
TAVITIAN, individually, and on
behalf of other members of the
general public similarly situated,

Plaintiffs,

v.

FCA US LLC, a Delaware limited
liability company,

Defendant.

Case No.: 3:16-CV-01617-GPC-JLB

**[REDACTED] DECLARATION OF
TAREK H. ZOHDY IN SUPPORT
OF PLAINTIFFS' MOTION FOR
CLASS CERTIFICATION**

District Judge: Hon. Gonzalo P. Curiel
Magistrate: Hon. Jill L. Burkhardt

Hearing Date: January 19, 2018
Hearing Time: 1:30 p.m.
Location: 221 West Broadway
Courtroom 2D, 2nd Fl.

Action Filed: June 24, 2016

CONTAINS CONFIDENTIAL INFORMATION
CONDITIONALLY LODGED UNDER SEAL

1 I, Tarek H. Zohdy, declare as follows:

2 1. I am an attorney duly licensed to practice before this Court. I am
3 associated with the law firm Capstone Law APC, counsel of record for Plaintiffs
4 Carlos Victorino and Adam Tavitian ("Plaintiffs"). I have personal knowledge
5 of the facts set forth herein and, if called as a witness, could and would testify
6 competently to such facts.

7 2. I submit this declaration in support of Plaintiffs' Motion for Class
8 Certification.

9 **FCA US LLC ("FCA") DOCUMENTS**

10 3. Attached as Exhibit A is a true and correct copy of an email
11 exchange, last response on June 23, 2016, by [REDACTED]
12 [REDACTED], regarding [REDACTED]
13 including attachment. (MCPS003596-3609.) (Designated "Confidential.")

14 4. Attached as Exhibit B is a true and correct copy of FCA's [REDACTED]
15 [REDACTED] (MCPS000904-945.)
16 (Designated "Confidential.")

17 5. Attached as Exhibit C is a true and correct copy of an email
18 exchange, last response on June 13, 2016, by [REDACTED]
19 [REDACTED] regarding [REDACTED]
20 including attachment. (MCPS003875-3886.) (Designated "Confidential.")

21 6. Attached as Exhibit D is a true and correct copy of FCA's [REDACTED]
22 [REDACTED], released on August 15, 2014.
23 (MCPS003887.) (Designated "Confidential.")

24 7. Attached as Exhibit E is a true and correct copy of FCA's service
25 bulletin STAR Case S1406000001, released on February 26, 2015.
26 (MCPS000867.)

27 8. Attached as Exhibit F is a true and correct copy of an email
28

1 exchange, last response on March 31, 2015, by [REDACTED]
2 [REDACTED] regarding [REDACTED]
3 excluding attachments. (MCPS001682-1685.) (Designated “Confidential.”)

4 9. Attached as Exhibit G is a true and correct copy of an email
5 exchange, last response on August 3, 2016, by [REDACTED], regarding
6 [REDACTED] including attachment.
7 (MCPS0003841-3849.) (Designated “Confidential.”)

8 10. Attached as Exhibit H is a true and correct copy of FCA’s TSB 06-
9 001-16, “Clutch Pedal Operation X62 Extended Warranty,” released January 8,
10 2016. (MCPS000858-866.)

11 11. Attached as Exhibit I is a true and correct copy of FCA’s TSB 06-
12 001-16 REV.A, “Clutch Pedal Operation X62 Extended Warranty,” released
13 August 27, 2016. (MCPS001052-1060.)

14 12. Attached as Exhibit J is a true and correct copy of an email
15 exchange, last response on April 15, 2015, by [REDACTED] regarding [REDACTED]
16 [REDACTED] including attachments [REDACTED]
17 [REDACTED] and a May 6, 2012, [REDACTED]
18 [REDACTED] (MCPS005071-5084.) (Designated “Confidential.”)

19 13. Attached as Exhibit K is a true and correct copy of an email
20 exchange, last response on July 14, 2014, by [REDACTED], regarding [REDACTED]
21 [REDACTED]
22 (MCPS007068-7072.) (Designated “Confidential.”)

23 14. Attached as Exhibit L is a true and correct copy of an email sent on
24 May 29, 2015, by [REDACTED], regarding [REDACTED]
25 [REDACTED] report. (MCPS002425-2436.)

26 15. Attached as Exhibit M is a true and correct copy of an email sent on
27 July 23, 2014, by [REDACTED] regarding [REDACTED] (MCPS006692.)
28 (Designated “Confidential.”)

1 16. Attached as Exhibit N is a true and correct copy of an email
2 exchange, last response on August 14, 2014, by [REDACTED]
3 [REDACTED] regarding [REDACTED]
4 [REDACTED] including attachment.
5 (MCPS003735-3740.) (Designated “Confidential.”)

6 17. Attached as Exhibit O is a true and correct copy of an email
7 exchange, last response on October 20, 2014, by [REDACTED], regarding [REDACTED]
8 [REDACTED] (MCPS007109-7112.) (Designated
9 “Confidential.”)

10 18. Attached as Exhibit P is a true and correct copy of an email
11 exchange, last response on July 24, 2015, by [REDACTED], regarding [REDACTED]
12 [REDACTED] including attachment. (MCPS003147-3149.) (Designated
13 “Confidential.”)

14 19. Attached as Exhibit Q is a true and correct copy of an email sent on
15 October 12, 2015, by [REDACTED] regarding “[REDACTED]” including attachment.
16 (MCPS004901-4911.) (Designated “Confidential.”)

17 20. Attached as Exhibit R is a true and correct copy of an email last
18 dated on May 11, 2016, by [REDACTED], regarding “[REDACTED]”
19 including attachment. (MCPS005207-5216.) (Designated “Confidential.”)

20 21. Attached as Exhibit S is a true and correct copy of an email
21 exchange, last response on March 15, 2016, by [REDACTED], regarding [REDACTED]
22 [REDACTED] including attachment.
23 (MCPS005167-5179.) (Designated “Confidential.”)

24 22. Attached as Exhibit T is a true and correct copy of excerpts from
25 [REDACTED] related to the [REDACTED]
26 [REDACTED]. (MCPS001639.) (Designated “Confidential.”)

27 23. Attached as Exhibit U is a true and correct copy of an email
28 exchange, last response on December 3, 2014, by [REDACTED], regarding [REDACTED]

1 [REDACTED] excluding
2 attachment. (MCPS006874-6876.) (Designated “Confidential.”)

3 24. Attached as Exhibit V is a true and correct copy of an email
4 exchange, last response on December 10, 2014, by [REDACTED]
5 [REDACTED] regarding [REDACTED] including attachment. (MCPS005336-
6 5337.) (Designated “Confidential.”)

7 25. Attached as Exhibit W is a true and correct copy of an email thread,
8 last response on December 11, 2014, by [REDACTED] regarding [REDACTED]
9 [REDACTED] (MCPS002339.) (Designated “Confidential.”)

10 26. Attached as Exhibit X is a true and correct copy of an email thread,
11 last response on September 1, 2015, by [REDACTED], regarding [REDACTED]
12 [REDACTED] excluding attachment. (MCPS002708-2709). (Designated
13 “Confidential.”)

14 27. Attached as Exhibit Y is a true and correct copy of an except of an
15 email, dated October 1, 2015, by [REDACTED], regarding [REDACTED]
16 [REDACTED] (MCPS003565.) (Designated “Confidential.”)

17 28. Attached as Exhibit Z is a true and correct copy of an excerpt of an
18 “excel” spread sheet titled [REDACTED] (MCPS003813.) (Designated
19 “Confidential.”)

20 29. Attached as Exhibit AA is a true and correct copy of an email
21 thread, last response on July 29, 2012, by [REDACTED], regarding [REDACTED]
22 [REDACTED] (MCPS005025-5035.) (Designated
23 “Confidential.”)

24 30. Attached as Exhibit BB is a true and correct copy of an email
25 thread, last response on August 6, 2012, by [REDACTED]
26 [REDACTED], regarding [REDACTED]
27 [REDACTED] (MCPS005085-5087.) (Designated
28 “Confidential.”)

1 31. Attached as Exhibit CC is a true and correct copy of a document
2 entitled [REDACTED] (MCPS007974.) (Designated
3 “Confidential.”)

4 **THIRD-PARTY DOCUMENTS**

5 32. Attached as Exhibit DD is a true and correct copy of an email sent
6 on April 28, 2015, by [REDACTED] regarding
7 [REDACTED] including attachments [REDACTED]
8 [REDACTED] and [REDACTED],” revised
9 November 11, 2013. The reports, [REDACTED] were produced in
10 this litigation by FCA. (MCPS006647- MCPS006672.) (Designated
11 “Confidential.”)

12 **PLAINTIFFS’ EXPERT REPORTS**

13 33. Attached as Exhibit EE is a true and correct copy of the report of
14 Plaintiffs’ expert, Michael Stapleford.

15 34. Attached as Exhibit FF is a true and correct copy of the report of
16 Plaintiffs’ expert, Steven Boyles.

17 **PLAINTIFFS’ COUNSEL’S RESUME**

18 35. Attached as Exhibit GG is a true and correct copy of the firm
19 resume of Capstone Law, APC.

20 **PLAINTIFFS’ DECLARATIONS**

21 36. Attached as Exhibit HH is a true and correct copy of the declaration
22 of Plaintiff Carlos Victorino in support of Plaintiffs’ Motion for Class
23 Certification.

24 37. Attached as Exhibit II is a true and correct copy of the declaration of
25 Plaintiff Adam Tavitian in support of Plaintiffs’ Motion for Class Certification.

26 **MISCELLANEOUS**

27 38. Attached as Exhibit JJ is a true and correct copy of an exemplar X62
28 Extended Warranty letter sent to consumers on or around January 8, 2016.

1 (VIC_0004.)

2 I declare under penalty of perjury under the laws of the United States that
3 the foregoing is true and correct. Executed this 18th day of October, 2017.
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7 /s/Tarek H. Zohdy
8 Tarek H. Zohdy
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